

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 26, 2001
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:09 p.m. The meeting was adjourned by Mayor Murphy at 3:30 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk- Fishkin (ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present

- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Imam Sharif Battikhi of the
American Islamic Services Foundation

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Maienschein.

COUNCIL COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

CITY MANAGER COMMENT:

None.

* ITEM-100: 303 Coast Boulevard Storm Drain Project.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:72

Adopt the following resolution:

(R-2002-654) ADOPTED AS RESOLUTION R-295772

Authorizing the City Manager to acquire property rights for drainage easement purposes under the condominium building located at 265 Coast Boulevard;

Authorizing the expenditure of an amount not to exceed \$90,000 from CIP-11-301.0 (Fund No. 79514) for the acquisition of property rights, appraisal, labor, title, escrow, and miscellaneous costs.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for replacing approximately 200 linear feet of undersized ten-inch concrete storm drain pipe and inlet in the Scripps Lane alley and across private property with an eighteen-inch reinforced concrete storm drain pipe in a new drainage easement. This project will eliminate the frequent flooding of the Scripps Lane alley and the private property at 303 Coast Boulevard. The new drainage easement is required to relocate the drainage pipe from under the condominium building located at 265 Coast Boulevard and to increase the size of the pipe to 18 inches.

FISCAL IMPACT:

Funds are available in CIP-11-301.0, Fund No. 79514.

Herring/Griffith/RAG

Aud. Cert. 2200520.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A198-236.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-101: Appointment and Reappointment to the San Diego Convention Center Corporation Board of Directors.

(See memorandum from Mayor Murphy dated 10/19/2001.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-687) ADOPTED AS RESOLUTION R-295773

Nominating for election to the San Diego Convention Center Corporation Board of Directors:

NOMINEE

Maria Nieto Senour

Kevin Tilden

NOMINATED BY

Mayor Dick Murphy
Councilmember Scott Peters
Councilmember Toni Atkins
Councilmember Ralph Inzunza

Mayor Dick Murphy
Councilmember Scott Peters
Councilmember Toni Atkins
Councilmember Brian Maienschein
Councilmember Donna Frye
Councilmember Ralph Inzunza

Re-electing Maria Nieto Senour to the Board of Directors of the San Diego Convention Center Corporation, for a three-year term to expire on December 1, 2004;

Electing Kevin Tilden to the Board of Directors of the San Diego Convention

Center Corporation, for a three-year term to expire on December 1, 2004, to replace William A. Roper, Jr., whose term has expired.

FILE LOCATION: MEET (62)

COUNCIL ACTION: (Tape location: A237-316.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-102: Mt. Carmel High School "Looks Like Me Day."

(Carmel Valley Community Area. District-1.)

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-667) ADOPTED AS RESOLUTION R-295771

Proclaiming November 2, 2001 to be "Looks Like Me Day" in San Diego in recognition of the program's outstanding contribution to the community and the selfless generosity of the staff and students at Mt. Carmel High School.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A093-197.)

MOTION BY PETERS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Michael Dunn Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-688) ADOPTED AS RESOLUTION R-295774

Recognizing the exemplary community activism and service of Michael Dunn;

Proclaiming October 9, 2001 to be "Michael Dunn Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A198-236.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Payment to Finalize U.S. EPA's Settlement Offer to De Minimis Parties for the Casmalia Disposal Site.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-678) ADOPTED AS RESOLUTION R-295775

Authorizing the payment of \$53,484 to "BTCO. As Custodian for Casmalia Resources Site" to finalize U.S. EPA's settlement offer to de minimis parties regarding remediation of the Casmalia Disposal Site.

CITY MANAGER SUPPORTING INFORMATION:

Between 1973 and 1989, the Casmalia Resources Hazardous Waste Management Facility legally accepted a wide variety of industrial and commercial hazardous wastes for disposal. In the early

1990's, the owners of this Santa Barbara facility abandoned efforts to properly close and control contamination concerns in various parts of the site.

In 1992, U.S. EPA took initial actions to address immediate needs to control contamination and start the multi-year remediation process. U.S. EPA is working with entities determined to be the major disposal contributors to the facility to pay for the majority of the site clean up costs.

Since the City of San Diego occasionally utilized this hazardous waste disposal facility for disposal of City generated hazardous waste, U.S. EPA recognized the City as a de minimis party in being responsible for the site remediation clean-up costs. U.S. EPA has formulated an equitable settlement with all de minimis parties based on the amount of hazardous waste disposed of at the site in relation to estimated total site remediation costs. After much review and negotiation by City staff, U.S. EPA proposed a settlement agreement to the City and associated settlement cost of \$53,484.

The City Council has authorized the signing of the settlement agreement from U.S. EPA in Closed Session.

Completion in payment of the Settlement Offer ensures the City will not face enforcement actions by U.S. EPA or be named in a lawsuit brought by private parties for further contributions for remediation of this hazardous waste disposal site.

FISCAL IMPACT:

For this action, a total of \$53,484 will be expended from the Refuse Disposal Enterprise Fund 41200.

Loveland/Hays/CG

Aud. Cert. 2200540.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A198-236.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-105: Allocation of \$20,000 from District Seven Infrastructure Improvement Funds to The Serra High School Foundation for Roadside Improvements in Tierrasanta.

(District-7.)

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-672) ADOPTED AS RESOLUTION R-295776

Authorizing the City Auditor and Comptroller to allocate and transfer \$20,000 from Council District Seven's portion of the Infrastructure Fund 10529 to the Serra High School Foundation for roadside improvements in Tierrasanta;

Directing the City Manager to negotiate and execute, for and on behalf of said City, an agreement with Serra High School Foundation, to contribute said funds to assist in their roadside improvements, and to incorporate into the agreement with Serra High School Foundation, that there be no ongoing fiscal impact to the City to improve or maintain the parcel; that Tierrasanta Maintenance Assessment District will absorb into their budget the cost of maintenance with no additional assessment to residents.

CITY MANAGER SUPPORTING INFORMATION:

This action allocates and transfers the amount of \$20,000 from Council District Seven Infrastructure Improvement Funds to The Serra High School Foundation for roadside improvements in Tierrasanta. The Serra High School Foundation will be managing the project. Renovations will be made to the parcel at the corner of Santo Road and Tierrasanta Boulevard, which can be considered a gateway into the community. The project includes a monument sign, landscaping, irrigation, walks and fencing.

Agey

Aud. Cert. 2200537.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A198-236.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-673) ADOPTED AS RESOLUTION R-295777

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

COUNCIL ACTION: (Tape location: A198-236.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-107: Consultant Agreement: City Wireless Communications Long Range Plan.

(See City Manager Report CMR-01-251.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-680) ADOPTED AS RESOLUTION R-295778

Authorizing the City Manager to execute an agreement with Tech/Knowledge, Inc., to provide consulting services for an amount not to exceed \$299,938, for the preparation of a City Wireless Communications Long Range Plan;

Authorizing the expenditure of an amount not to exceed \$299,938 from Fund 100, Department 601, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for such expenditure are on deposit in the City Treasury.

Aud. Cert. 2200527.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B392-399.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-108: Agreement with Linscott Law & Greenspan Engineers and Katz, Okitsu & Associates for As-Needed Traffic Engineering Services.

(See Frank Belock, Jr.'s 7/12/2001 memo.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-470) ADOPTED AS RESOLUTION R-295779

Authorizing the City Manager to execute an agreement with Linscott, Law & Greenspan, Engineers, for as-needed traffic engineering services for the Engineering and Capital Projects Department, in an amount not to exceed \$250,000;

Authorizing the City Manager to execute an agreement with Katz, Okitsu & Associates, for as-needed traffic engineering services for the Engineering and Capital Projects Department, in an amount not to exceed \$250,000;

Authorizing the expenditure of an amount not to exceed \$200,000 from Fund 41500, and an amount not to exceed \$300,000 from Fund 41506 for providing funds for the Agreements.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/18/2001, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

A list of As-Needed Traffic Engineering Consultants were requested from the Consultant Services Coordinator. The Consultant Nominating Committee nominated eight firms to participate in the final selection process for two as-needed consultant contracts.

The firms Wilbur Smith and Associates and RKJK Associates declined to interview due to their current work load. In conformance with Council Policy 300-7, the remaining six firms were interviewed on March 9, 2001, and March 23, 2001, and the firms of Linscott Law & Greenspan Engineers and Katsu, Okitsu & Associates were selected as the best qualified firms to provide the As-Needed Consultant Services.

The agreements provide for traffic services by task orders on an hourly basis not to exceed \$20,000 per task. These services include the preparation of traffic plans for the construction of water and sewer projects. The development and implementation of these plans will help insure the safety of the people in the project area. The total contract with each firm shall not exceed \$250,000 for a period of two years from the date of execution by the City. Council authorization is required because the consultants will be awarded more than \$250,000 during this fiscal year if they receive this contract.

FISCAL IMPACT:

The total estimated cost is \$500,000, \$250,000 for each agreement. Funding of \$200,000 is available from Fund 41500, and \$300,000 from Fund 41506.

Loveland/Belock/HR

Aud. Certs. 2200340 and 2200341.

WWF-01-536

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B400-547.)

MOTION BY ATKINS TO ADOPT WITH DIRECTION THAT AN EVALUATION AND ANALYSIS BE DONE OF THE DEVELOPMENT AND IMPLEMENTATION OF PLANS FOR TRAFFIC SERVICES BY TASK ORDERS ON AN HOURLY BASIS IN ORDER TO KNOW HOW LONG THE PROGRAM IS GOING TO CONTINUE, TO DETERMINE WHAT OUR NEEDS ARE, AND TO MAKE SURE WE ARE DOING THE MOST COST-EFFECTIVE AND EFFICIENT THING FOR THE LONG HAUL. COUNCIL MEMBER ATKINS REQUESTED THAT WHEN THIS TYPE OF CONTRACT ON TRAFFIC GOES BEFORE NR&C, THAT THE ANALYSIS BE PRESENTED AT THAT TIME. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-109: Powell/PBS&J, Inc. - Condition Assessment of Trunk Sewers.

(See Scott Tulloch's 9/26/2001 memo.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-590) ADOPTED AS RESOLUTION R-295780

Authorizing the City Manager to execute an agreement with Powell/Post, Buckley, Schuh & Jernigan, Inc. for professional consulting services to perform condition assessments of the City's trunk sewers;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$3,226,126 consisting of \$828,826 from Fund No. 41506, CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement, and \$2,397,300 from Fund No. 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, both to Fund No. 41506, Department 773, Org. 820, Job Order 8206;

Authorizing the expenditure of an amount not to exceed \$3,226,126 from Fund No. 41506, Department 773, Org. 820, Job Order 8206.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/3/2001, NR&C voted 5-0 (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea) to approve with direction to the City Manager to share sewer pipe photos with the public through the website, etc.

CITY MANAGER SUPPORTING INFORMATION:

The work to be performed under this agreement will consist of televising selected City trunk sewers, sewer manholes, and junction structures located in the northern part of San Diego to assess their existing condition. A total of 104.7 miles out of 350 miles of City trunk sewers ranging from 6 inches to 96 inches in diameter and 961 manholes and junction structures will be televised and assessed. Approximately 42.6 miles of these trunk sewers are located in remote areas (i.e. open space areas, canyons, and backyards) but most can be accessed via existing utility roads. Where there is no existing access road, the consultant will hand-carry equipment to the inspection site in compliance with environmental conditions for this project.

The consultant will also prepare inspection reports to document the observed condition of pipelines, any structural defects, and other pertinent findings. The reports will be instrumental in evaluating the condition of the trunk sewers and identifying locations where high priority rehabilitation, replacement, or cleaning of sewer facilities is required.

The inspection and report work shall be completed within one hundred twenty (120) workdays from the Notice to Proceed date. This is the second phase of a multi-phase program to televise City sewers, for a not to exceed amount of \$3,226,126.

This request is to enter into an Agreement with Powell/PBS&J, Inc. for the condition assessment of selected trunk sewers, in the amount of \$3,226,126. In accordance with Council Policy 300-07, on July 6, 2001, the City held interviews with four (4) firms, and Powell/PBS&J, Inc. was selected as the best qualified firm to provide this service. Prime subcontractors on this project are Dye Surveying, Inc., Cecilia's Safety Services, Downstream Services, and Houston & Harris.

FISCAL IMPACT:

The total cost of this action is \$3,226,126.

Loveland/Tulloch/DG

Aud. Cert. 2200447.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B548-552.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

* ITEM-110: Reimbursement Agreement - Preparation of a Public Facilities Financing Plan for Torrey Highlands.

(Torrey Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-564) ADOPTED AS RESOLUTION R-295781

Authorizing the City Manager to execute a Reimbursement Agreement with Fairbanks Highlands, LLC, for the preparation of a Public Facilities Financing Plan for Torrey Highlands;

Authorizing the appropriation and expenditure of an amount not to exceed \$85,000 from Development Impact Fee (DIF) Fund 39069;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Fairbanks Highlands, LLC, a developer in the Torrey Highlands planning area, has agreed to advance funds for the preparation of a Public Facilities Financing Plan for that area. This plan updates the FY 1997 plan and converts the funding mechanism for needed public facilities from a Development Impact Fee (DIF) to a Facilities Benefit Assessment (FBA). Fairbanks Highlands is able and willing to prepare a plan at a comparable cost to that which the City would expend were it to complete the project itself and the City Planning Department has concurred in this activity. This agreement specifies the terms of performance by Fairbanks Highlands, LLC, and the obligation for payment by the City. There should be sufficient funds in FY 2002 to reimburse Fairbanks Highlands as fees are collected through building permits.

Ewell/Goldberg/GH

Aud. Cert. 2200438.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A198-236.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: Transitional Housing Program for Displaced Seniors.

(See City Manager Report CMR-01-162 and Housing Commission Report HCR01-124.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-676) ADOPTED AS RESOLUTION R-295782

Authorizing the City Manager to develop a transitional housing program that will house and provide related services for up to fifty displaced seniors as outlined in City Manager Report CMR-01-162, Transitional Housing Program for Displaced Seniors;

Authorizing the City Manager to identify funding sources, in partnership with the Housing Commission, Centre City Development Corporation and the County of San Diego for the lease and operational cost associated with the transitional housing facility for displaced seniors;

Authorizing the City Manager to pursue a master lease agreement with the Capri Hotel and the Sara Frances Hotel;

Authorizing the City Manager to proceed with a site search for additional locations to house up to fifty displaced seniors in the downtown and surrounding area, if necessary;

Approving the action of the August 1, 2001, Land Use and Housing Committee meeting as it pertains to City Manager Report CMR-01-162, Transitional Housing Program for Displaced Seniors, but with specific additional direction for the City Manager to seek Centre City Development Corporation set-aside monies to address immediate needs.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 8/1/2001, LU&H voted 5 to 0 to approve the City Manager's recommendation with specific additional direction to seek Centre City Development Corporation set-aside monies to address immediate needs. (Councilmembers Peters, Wear, Atkins, Stevens, and Maienschein voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

On Wednesday, August 1, 2001, the Land Use and Housing Committee voted 5-0 to approve and forward the recommendations outlined in City Manager Report 01-162, Transitional Housing Program for Displaced Seniors to the City Council for its recommendations and approval.

There is a Letter of commitment from the County of San Diego's Health and Human Services Agency, Aging and Independent Services Program which will provide case management and other support services to the Transitional Housing Program for Displaced Seniors.

FISCAL IMPACT:

Housing Commission funds will be used to lease a block of twenty (20) rooms at the Capri Hotel. In addition, if needed the Housing Commission will lease up to twelve (12) additional rooms at the Sara Frances Hotel. The total annual cost will not exceed \$168,000.

Herring/Cunningham/RT

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A198-236.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Two actions related to Approving the Draft Ordinance (as Modified by the Rules Committee on 10/24) to Establish a City Public Utilities Advisory Commission (PUAC) and to Decommission Four Related Oversight Groups.

(See Resolution R-280476, Deputy Mayor Stevens' 8/9/2001 memo, Metropolitan Wastewater Programs Oversight Committee 4/26/2001 Actions, Patti Krebs' 4/25/2001 letter, H.R. Frauenfelder's 11/8/1993 memo, Bill Baber's 10/23/2001 memo, and Water Department Citizen's Advisory Board Mission Statement.)

TODAY'S ACTIONS ARE:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2002-56) INTRODUCED AS AMENDED, TO BE ADOPTED ON
MONDAY, DECEMBER 10, 2001

Introduction of an Ordinance amending Chapter 2, Article 6, Division 11, of the San Diego Municipal Code by amending Section 26.1101, 26.1102 and 26.1103, and repealing Section 26.1104, all relating to the City Public Utilities Advisory Commission.

Subitem-B: (R-2002-683) ADOPTED AS RESOLUTION R-295783

Decommissioning the following committees as of December 31, 2001, upon

approval by the City Council of the ordinance establishing a City Public Utilities Advisory Commission:

- 1) The Metropolitan Wastewater Programs Oversight Committee;
- 2) The Water Department's Citizen's Advisory Board;
- 3) The Citywide Canyon Sewer Maintenance Task Force; and
- 4) The Sewer Cost of Service Stakeholder's Group.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 10/24/2001, RULES voted 5-0 (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea) to approve the draft ordinance and refer it to the full City Council with the following changes: a) The Storm Water Department will not be within the jurisdiction of the PUAC at this time; b) the Mayor is to appoint the Chair and Vice Chair; c) the expiration date of all terms shall be January 1; d) the PUAC's rules and procedures must be approved by the Council; e) if the PUAC is approved by the full Council, the following committees will be decommissioned as of December 31, 2001: 1) The Metropolitan Wastewater Programs Oversight Committee, 2) the Water Department's Citizen's Advisory Board, 3) the Sewer Access Task Force, and 4) the Cost of Service Study Committee.

FILE LOCATION: Subitem A: NONE; Subitem B: MEET

COUNCIL ACTION: (Tape location: A317-554.)

MOTION BY INZUNZA TO INTRODUCE THE ORDINANCE AND TO ACCEPT COUNCIL MEMBER WEAR'S REQUEST TO AMEND THE ORDINANCE TO INCLUDE CLARIFYING LANGUAGE BY INSERTING THE WORDS "NON-VOTING" BEFORE "EX-OFFICIO" IN THE FIRST PARAGRAPH OF SECTION 26.1102. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-151: 2001/2002 Winter Shelter Program.

(See City Manager Report CMR-01-220 Revised and St. Vincent de Paul Seasonal Shelter Report.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-617) ADOPTED AS AMENDED AS RESOLUTION R-295784

Accepting the City Manager's findings that there do not appear to be adequate shelter beds for the estimated number of homeless persons that reside within the City of San Diego;

Declaring that a shelter emergency exists within the City of San Diego, in accordance with Government Code section 8689 through 8698.2;

Declaring that the sheltering program outlined in City Manager's Report 01-220 constitutes in part the City's response addressing the declared sheltered emergency;

Establishing the Winter Shelter Fund and authorizing the City Auditor and Comptroller to appropriate and expend \$429,349 for the purpose of operating the 2001/2002 Winter Shelter Program, provided that an Auditor's Certificate is furnished demonstrating that funds for such obligations are or will be on deposit in the City Treasury;

Establishing a Homeless Family Program Fund Winter Shelter and authorizing the City Auditor and Comptroller to appropriate and expend \$349,564 for the purpose of operating the Homeless Family Program, provided that an Auditor's Certificate is furnished demonstrating that funds for such obligations are or will be on deposit in the City Treasury;

Certifying that the information contained in LDR File No. 41-0414 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and the National Environmental Policy Act (NEPA), and that said report reflects the independent judgement of the City of San Diego as

Lead Agency; stating for the record that the final Finding of No Significant Impact/Negative Declaration has been reviewed and considered prior to approving the project;

Authorizing the City Manager to negotiate and execute agreements and leases associated with implementing the 2001/2002 Winter Shelter Program, provided that the Auditor first furnishes a certificate demonstrating that funds for such obligations are or will be on deposit in the City Treasury;

Authorizing the Auditor and Comptroller to accept and expend contributions associated with the approved 2001/2002 Winter Shelter Program.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/17/2001, LU&H voted 5 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Atkins, Stevens, and Maienschein voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A555-B307.)

MOTION BY WEAR TO ADOPT AS AMENDED TO REFLECT THAT IN ORDER TO HAVE FLEXIBILITY, THE BUDGET FOR THIS PROGRAM SHOULD BE INCREASED BY \$72,000, WHICH IS WHAT IT WOULD COST FOR 100 BEDS FOR 90 DAYS, AT \$8 A BED PER NIGHT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-nay, Mayor Murphy-yea.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2001	127	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/26/2001	160	Rules Committee Review
Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals from members of the public referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances ITEM-250: (Continued)
Tuesday	11/20/2001	105	
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney
Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material
Thursday	12/20/2001	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, at 533-4025.

ITEM-251: ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS

For propositions approved by the City Council for submittal to the qualified voters of the City of San Diego at the Municipal Primary Election to be held on Tuesday, March 5, 2002 the City Clerk has fixed 5:00 p.m. on Thursday, December 20, 2001, as a reasonable date prior to such election after which no arguments for or against City propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words inlength and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or an individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this Statement are available in the Office of the City Clerk.)

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

ITEM-252: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Glencoe Heights

COMMUNITY AREA

Skyline

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-253: **Notice** of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on those certain final maps entitled "Black Mountain Ranch South Village" and "Black Mountain Ranch Unit No. 9," located in the Black Mountain Ranch Community Plan Area in Council District 1, copies of which are available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the maps to be examined and has made the following findings:

- (1) The maps substantially conform to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The maps comply with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The maps are technically correct.

Said maps will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the maps or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-254: Notice of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Otay Corporate Center South," a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Otay Mesa Community Plan Area in Council District 8. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-255: Notice of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Torrey Brooke - Tract 98-1189," a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Rancho Penasquitos Community Plan Area in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-S400: Virginia Nash Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-722) ADOPTED AS RESOLUTION R-295785

Recognizing the many civic and volunteer contributions of Virginia Nash and commending her for her commitment to improve the quality of life of her fellow citizens;

Proclaiming November 26, 2001 to be "Virginia Nash Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A046-092.)

MOTION BY ATKINS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S401: Two actions related to the Construction of El Capitan Boat Launching Facilities - Phase III.

(Continued from the meeting of November 19, 2001, Item 110, at the request of Councilmember Frye for further review.)

(Lakeside Community Area.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-618 Cor. Copy 11-5-01) ADOPTED AS RESOLUTION
R-295786

Amending the Fiscal Year 2002 Capital Improvement Program by increasing CIP-73-318.0, El Capitan Boat Launching Facility - Phase III, by an amount not to exceed \$651,283;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$651,283 from Water Fund 41500, Program 765005, Unallocated Reserve, to Water Fund 41500, CIP-73-318.0;

Authorizing the expenditure of an amount not to exceed \$651,283 from Water Fund 41500, CIP-73-318.0;

Authorizing the expenditure of an amount not to exceed \$380,161.48 from Water Fund 41500, CIP-73-318.0, for the purpose of providing funds for a Job Order Contract to Phillips National, Inc., Task Order, ECP .01.186704.00;

Approving the plans and specifications accompanying the Task Order for the El Capitan Boat Launching Facility - Phase III.

Subitem-B: (R-2002-619) ADOPTED AS RESOLUTION R-295787

Declaring that the information contained in the final document, Mitigated Negative Declaration LDR-96-0115 certified by Resolution R-288762, adopted on December 19, 1996, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the CEQA Guidelines section 15162 would warrant any additional environmental review in connection with the approval of the construction of El Capitan Boat Launching Facilities - Phase III.

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

CITY MANAGER SUPPORTING INFORMATION:

The limited boating facilities at El Capitan Reservoir have deteriorated significantly since their original construction in the late 1940's. Pavement has broken from the roadways; slopes have eroded; and existing utilities have become outdated.

In 1982, the City entered into a grant agreement with the State Department of Boating and Waterways for the construction of boating facilities at the Barrett Reservoir. In 1994, due to problems encountered with the original project at that lake, the City Council approved Amendment No. 1 (R-283709) to transfer these grant funds to new projects at Sutherland and El Capitan Reservoirs.

In 1997, a new high water boat launching ramp, additional parking, and slope protection improvements were constructed at El Capitan Reservoir to allow for peak usage, and public access to the lake during periods of high water levels. This phase of the project will provide an eight (8) stall restroom, widen roadways, sidewalks, paving and slope protection improvements, and upgrade utilities, to provide adequate service for the lake's recreational facilities. In March of 1999, the California Department of Boating & Waterways issued a supplemental grant to the City (R-291326) providing most of the funds necessary to construct El Capitan Boat Launching Facilities - Phase III.

FISCAL IMPACT:

The total estimated cost for Phase I, II and III is \$1,616,359; of this amount, \$965,076 has been previously authorized. The total additional funding required for Phase III construction is \$651,283. Funding is available from Water Fund 41500, Program 765005, Unallocated Reserve. The State Department of Boating and Waterways will reimburse the City, in accordance with the provisions of the grant agreement, up to \$480,000.

With this action, the Water Fund Unallocated Reserve will decrease from \$4,257,371 to \$3,606,088.

Loveland/Belock/AXO

Aud. Cert. 2200484.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B308-391.)

MOTION BY FRYE TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:30 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B553).